THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT APPEAL No. 1366 OF 2005

28-07-2005

Between:

Kaipu Kondareddy.

.....APPELLANT

AND

Agent to Government, Khammam & others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT APPEAL NO : 1366 of 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned Counsel for the parties. With their consent, the writ appeal is being disposed of at this stage.

The appellant filed a writ petition challenging the order passed by Agent to the Government on 28.11.2003, confirming the orders passed by the Agency Divisional Officer, Paloncha, Khammam District in the year 2000. The writ petition was filed in the year 2004. The order passed by the appellate authority is in favour of one Syed Asrar, who was the respondent in the appeal. Said Syed Asrar was not made a party in the writ petition on the ground that his whereabouts are not known. Therefore, the learned Single Judge found that the writ petition was not maintainable.

The learned counsel for appellant submits that an application for impleadment was also filed on the same day, but it was not taken into consideration. The learned Single Judge has also found that the controversy between the parties was as to whether the petitioner was in possession of land on or before 03.02.1970, which is the crucial date for the purposes of Section 3(2) of A.P. Scheduled Areas Land Transfer Regulation, 1959, was a question of fact and authorities below had come to the conclusion that he was not in possession. As it was a question of fact decided by two authorities below, the writ petition could not be entertained.

We completely agree with the learned Single Judge and found no merit in this appeal, which is accordingly dismissed. No order as to costs.

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(BILAL NAZKI, ACJ)

28th July 2005.

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(K.C.BHANU, J)

ajr